TREASURY BOARD SECRETARIAT

Review of the Costs Associated with Administering Access to Information and Privacy (ATIP) Legislation

Submitted by
Consulting and Audit Canada

FOREWORD

The Treasury Board Secretariat commissioned this report to develop a global profile of the government's costs of administering the *Access to Information Act* and the *Privacy Act*. The report updates and complements information obtained in previous studies. However, its scope is broader in that it identifies significant factors within institutions that contribute to the cost of responding to access to information and privacy requests. In addition, the information is based on a more comprehensive coverage of departments and agencies subject to the legislation.

The study is not intended to reflect government policy regarding fees under the *Access to Information Act* and the *Privacy Act*. It is intended to enhance an understanding of the administrative costs of responding to requests in the context of the current fee schedule.

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EXECUTIVE SUMMARY

This report presents the results of Consulting and Audit Canada's (CAC) review and update of the costs associated with the administration of the Access to Information and Privacy (ATIP) legislation. The project's objectives were to:

- Update and augment the profile developed in 1995 on the government's costs relative to the activities involved in responding to information and privacy requests;
- Obtain the views of ATIP Coordinators and other key stakeholders on opportunities that would improve the government's performance in the administration of these programs;
- Examine the fee schedule and assess its adequacy; and,
- Review the approach used to prescribe fees and identify alternatives which would make it easier to maintain the fee schedule.

The study involved a survey of all departments and agencies covered by these two pieces of legislation.

Government's Costs

Based on the results of our survey, the total cost for both programs, inclusive of the Office of the Commissioners' costs, is estimated at $48,640,000 ($39,980,000 exclusive of Commissioners' costs). We found that, in general, the average cost of handling an access to information or a privacy request is about the same as in 1993-94. The overall cost to the government to support these programs has increased as a result of overall changes in demand.

For the Access to Information (ATI) Program, costs appear to be rising at a rate of 7% per year. This is consistent with and slightly less than the 8% per year increase in the number of completed requests. The overall increase of total costs since 1993-94 is about 41%. The increase in completed requests rose by 46% to 14,340 over this same period.

For the Privacy Program, overall costs appear to be stable. While the average per unit cost associated with a privacy request has increased by 12% (reflecting significant increases in general management and facilities incurred by ATIP Units and the operations of the Office of the Privacy Commissioner), the number of completed requests declined by 6% to 36,133.

Views of ATIP Coordinators

The ATIP Community indicated that they perceived that the cost incurred in both search and review time for ATI requests had risen significantly over the last three years. This reflects perceptions on the adequacy of records management practices and increasing sophistication of applicants and their greater use of broad, open-ended requests. The greater use of electronic documents, including e-mails, was perceived by some within the community to be adding to the time spent. However, our analysis indicates that the unit cost of handling ATI requests is not rising. Rather, it would appear that perceptions of rising costs have been shaped by the steady increase in the volume of requests.

For many departments and agencies resourcing the ATI Program is a challenge for a number of reasons. In response to increasing demand, they have re-examined the manner in which they deal with ATI requests, including potential opportunities presented through better use of technology. However, when faced with growth rates of 15%, 45% or 100% as has been the experience of some organizations, it is difficult to cope even with the adoption of smarter operating practices and advanced technology. Even if growth rates could be anticipated, experienced ATIP officers in sufficient numbers are not available, making it difficult to keep up with demand.

It is also recognized that, from time to time, operational managers are faced with the dilemma of competing priorities of completing an ATI request and meeting operational objectives. ATI requests generally are ad hoc and issue driven. This makes it difficult to anticipate demand and allocate resources in advance. When a request is received, responding to it often competes with resources already dedicated to meet operational requirements.

ATI Fee Schedule and Measures to Balance Competing Priorities

Consistent with the project's objectives and in addition to highlighting the opportunities identified by the ATIP Coordinators, we have made a number of suggestions. They relate directly to the fee schedule (its relevance, adequacy, update, and administration) and measures to better enable program managers to balance competing priorities that can arise as a result of an ATI request.

Fee Schedule

We are suggesting that the application fee be retained. Such fees are easy to administer and efficient in their ability to obtain a contribution from applicants for services rendered. The application fee should purchase a defined level of service for the applicant. The fee should be based on public expectations of a reasonable contribution from applicants for access services.

The fee schedule should be simplified and linked to the application fee. From a client service perspective, this would help enhance the predictability of fees above the basic level of service. Simplifying the fee schedule is expected to reduce both the incidence of

fee related complaints and time required to investigate and resolve such complaints. Savings in costs and time would result for all concerned, including the Office of the Information Commissioner and the applicant.

We are suggesting that the fee schedule should be updated annually. This avoids the price shock and difficulty of implementing significant increases after an extended period of time. The fee schedule could be indexed to the average annual increase of the salaries of public servants.

Balancing Competing Priorities

Parliament expects that government programs, including the ATI Program, be delivered in keeping with the needs of citizens served by those programs and broader public expectations. The taxpayer expects that all programs be delivered prudently and with due regard for the funds entrusted. The government's policy on cost recovery directs that users pay a fair share for services received. The *Access to Information Act* enshrines a citizen's right of access to records under the control of a government institution in a manner which complements other means of access. From an institution's perspective, the current legislative framework does not provide sufficient means to balance these competing priorities when conflicts arise.

Opportunities exist to enhance a department's or agency's ability to better balance competing priorities and reduce duplication of effort that can occur when responding to an ATI or a privacy request. These include:

- Harmonization of the right of access to information provided by ATIP legislation with other acts that provide access;
- Provisions to address the issue of voluminous and repeated requests; and,
- Measures to aggregate costs of requests for information where multiple requests are made by one person.

Additionally, we are suggesting the introduction of cost thresholds over which a department or agency would not be obligated to respond to an ATI request. (This suggestion would require a legislative change.) It recognizes the need to ensure the continuity of other public programs and the need to manage financial resources prudently given the resource implications an ATI request can have on operations.

Fees for Privacy Requests

We also considered the question of fees as it relates to a request for personal information as provided by the Privacy Act. Currently, no fees apply. The introduction of fees is not suggested as it is in the Government's interests to ensure that the records it keeps are accurate and current.

1. Background

Introduction

The Treasury Board Secretariat asked Consulting and Audit Canada to update the 1993-94 review of the costs associated with the administration of the ATIP legislation which was conducted in 1995. In addition to providing an update of the 1993-94 review, this report provides information on:

- The nature of the requests made under both the Access to Information and Privacy Programs;
- Suggestions from the ATIP community on what can be done to reduce administrative costs, while ensuring that the spirit of the Acts is respected; and,
- Our suggestions based on our review of survey results and of comparable legislation from other jurisdictions.

The first two sections in this report present our analysis of requests. This is followed by a summary of opportunities suggested by ATIP Coordinators. The questions posed to the ATIP community in our survey can be found in Appendix A and summaries of the responses can be found in Appendix B.

The remaining sections of the report examine the operational context within which departments and agencies respond to information requests, the utility of the current fee schedule, alternative approaches found in or suggested by other jurisdictions and our suggestions borrowing from the experiences and suggestions of others. Our suggestions include measures that would simplify the administration of fees and enable departments and agencies to better balance competing priorities.

Appendix C presents an estimate of the overall costs involved in meeting the requirements of the Access to Information and Privacy Acts for fiscal year 1998-99.

Project Objectives and Scope

The project's objectives are to:

- Update and augment the profile developed in 1995 on the government's costs relative to the activities involved in responding to information and privacy requests;
- Obtain the views of ATIP Coordinators and other key stakeholders on opportunities that would improve the government's performance in the administration of these programs;
- Examine the fee schedule and assess its adequacy; and,

- Review the approach used to prescribe fees and identify alternatives which would make it easier to maintain the fee schedule.

All departments and agencies covered by these two pieces of legislation were directly surveyed to confirm the costs reported and to obtain details on the costs incurred. To the extent possible, cost estimates for this study will include court costs and those of central agencies, including those of the Treasury Board Secretariat (TBS), the Privy Council Office and the Department of Justice.

Approach

Because of TBS's interest to involve all departments and agencies, a survey was conducted to obtain information needed to develop cost projections and to provide the entire ATIP community the opportunity to offer suggestions. The survey tool used in the 1995 study was used as the basis for the current survey. Changes were made to reflect specific interests of the TBS and representatives of the Privy Council Office. The draft survey guide was provided to both the Offices of the Information (OIC) and Privacy (OPC) Commissioners. The OPC extended us the opportunity to discuss the study and survey tool but made no suggestions on the design to the survey tool. The OIC did not meet with us and did not provide any feedback on the survey tool.

The survey tool was sent by e-mail or facsimile to 135 departments and agencies. A separate survey tool, designed for Legal Service Units (LSUs), was delivered to 57 LSUs. Prior to sending out the LSU survey tool, ATIP units were asked if they routinely consulted their respective LSUs. LSU surveys were sent only to those organizations for which such consultations occurred. Cost projections were made based on the 107 departments and agencies covered by the two Acts for fiscal 1998-99. The remaining 28 agencies only came under the Acts or took on full responsibility for ATIP requests during 1999-2000. These agencies are not included in our cost projections but their comments were solicited on the other aspects of our survey. A list of respondents to our survey can be found in Appendix D.

2. Furthering Our Understanding of Access to Information Requests

As shown noted in Appendix C, a 46% increase in the number of requests was observed over the last five years. Associated costs increased in parallel by 41%. However, shifts in cost patterns were observed. On average, search costs have decreased significantly – about 30%. These savings were offset by increasing costs in administrative and other activities (64%) directly associated with the handling of individual requests and significant increases in the costs of responding to complaints (104%). A significant growth (316%) in central agency costs was noted as a result of capturing more of the factors associated with government-wide support functions and an increase in resources allocated to them.

Analysis of Direct Time[1] Spent Responding to Access to Information Requests

The patterns of costs are consistent with the comments received from the ATIP Community and shows that overall costs have increased significantly. On a unit basis, overall costs are stable or declining slightly. In analyzing the time spent per request for 1998-99, it was noted that it took about 38 hours to respond to an individual request, including the time to resolve related complaints (see Table 1 below). This is similar to the 40 hours estimated for 1993-94. However, search time is about half of what it was in 1993-94. Conversely, the costs associated with direct administrative time and complaints resolution have risen significantly. Preparation and review time appears to be relatively stable.

Table 1:	**1998-99**		**1993-94**		***% Change***
	Hours	**%**	**Hours**	**%**	
Average Handling Time					
Search	3.77	10	7.86	20	(52)
Preparation	5.53	15	5.31	13	4
Review	17.94	48	18.18	45	(1)
Administration & Other	7.11	19	6.37	16	12
Total Average Handling Time	**34.35**	91	**37.72**	94	**(9)**
Complaints	3.27	9	2.35	6	40
Total Average Direct Time	**37.62**	100	**40.07**	100	**(6)**

ATIP Coordinators were asked to describe current trends as experienced over the last three years. Respondents reported that trends were increasing across the board, including the complexity of requests, the cost to complete a request, response time and the number of complaints.

[1] Direct time pertains to the time spent by the ATIP Unit and the OPI directly handling requests and related complaints.

Overall costs are rising. Cost increases appear to be related to the increased volume of requests. The average unit cost of handling an individual request, in comparison with 1993-94, appears to be declining slightly. The increased frequency with which requests involve senior management participation may have contributed to the perception of growing costs and complexity. As a result, management has become more aware of the impact made of requests on resources and on the ability to meet operational program commitments and requirements. For additional discussion on the issue of competing priorities, see page 14, section 5 on the *Challenges to Maintain the Quality of Access to Information Program Services.*

In a focus group session attended by seven departments, it was suggested that the 7% annual rate of growth in completed requests was attributed to an increasing sophistication of applicants, i.e. they are more knowledgeable of their rights and more at ease with exercising them. Included is a willingness to complain when delays are experienced or expected information is missing or not provided.

The reported decrease in search time was a surprise to the focus group. The opposite was expected given the group's perception regarding the general state of records management practices and the growth in different formats used to hold government information. Electronic documentation and e-mail messages require considerable effort to sift through and to eliminate duplicate records. This was seen as contributing to search time. For some organizations, complexity and unit costs could indeed be rising but overall search time appears to be decreasing. There are a number of possible reasons for the observed reduction in search time in comparison to the 1993-94 base year:

- The previous study was undertaken in the wake of Program Review and the reorganization of many government departments. The relative stability of government departments and agencies since then has likely had a positive impact on search time.

- Respondents indicated in their suggestions made in Part I of the Survey that greater use of technology was being made and that several major departments had recently taken steps to streamline their processes.

- Citizenship and Immigration Canada, which makes up 19% of the total volume of completed requests, indicated that despite trends of increasing complexity costs were stable or declining.

- Comparative analysis of the 1993-94 estimate with the 1998-99 estimate suggests that for those organizations with relatively few Access requests, the handling costs are about half that of the other organizations. A review of comments made by smaller organizations supports this analysis. In general, smaller organizations can more readily find the information required, have fewer levels of approval and receive fewer requests requiring detailed review.

- The increasing volume, in itself, was perceived by the focus group as having a positive impact on search time in that "the OPIs [office of primary interest] know the drill. The actual records-retrieval process is not time-consuming. The bulk of the time taken by OPIs is spent on reviewing files for exemptions, discussing the sensitivity of information and debating what should be exempted and what is sensitive." The handling of access requests appears to have become a routine service for some departments and agencies.

While the overall cost to handle an individual request appears to be stable, it has been noted that more time is spent helping to clarify and facilitate a response (12% increase in direct administrative time) and resolving complaints (40% increase). On the other hand, a 52% decrease has been observed in search time.

Analysis of Requests and Sources

Respondents indicated that the increasing sophistication of applicants and greater interest in government operations and issues of the day are contributing to the overall demand. As the number of requests increase, so do the number of complaints. However, the frequency of complaints appears to be rising more rapidly, which again is consistent with the perception that applicants are more knowledgeable of their rights and more willing to exercise their right to complain. In 1993-94, complaint resolution amounted to 6% of the time associated with requests. For 1998-99, complaint resolution is estimated to take up 9% of direct time. While the comments from respondents indicated that complaints occur for a variety of reasons, slow response times appears to be the most frequent reason.

Table 2 provides an overview of who makes requests and the shifts in demand from 1993-94. Two groups dominate the demand for requests – business (35%) and the public (36%). Public applicants appear to be many and widespread and generally tend to make one request. Business interests, who include professional applicants, are composed of a small number of applicants who tend to make multiple requests. It is estimated that 43% of the costs to provide Access to Information services is attributed to meeting the needs of this group. This higher than proportionate percentage of costs could be reflective of a higher level of complexity related to requests from this source which has a greater tendency to make broad or omnibus types of requests. The costs associated with the public are proportionate to demand at 36%. The next two groups are media at 12% of requests and Members of Parliament at 9.5% of requests. The costs associated with media are estimated at 7% and, Members of Parliament, 8%. Less than proportionate costs could indicate more precise and/or specific requests.

Table 2:	1998-99		1993-94 [1]		% Change
	Number	%	Number	%	
Source					
Media	1,730	12	1,048	10.7	65
Academia	360	2.5	264	2.7	36
Business	5,000	35	3,907	39.9	28
Members of Parliament [2]	1,365	9.5	-	N/A	-
Public	5,150	36	3,809	38.9	71 [3]
Organizations/Other	735	5	764	7.8	(3.8)
Totals	14,340	100	9,792	100	46

Note 1: Percentages are based on analysis of requests received in 1993/94 which have been applied to total requests completed.

Note 2: Current reporting requirements do not require Members of Parliament to be identified as a source. As part of our survey, we asked the ATIP community to separate out requests from Parliamentarians. For example, the Province of Alberta identifies elected officials as a source. As of March 31, 1999, 23% of all general information requests received have come from elected officials, since the introduction of the Alberta Freedom of Information and Protection of Privacy Act in 1995.

Note 3: Requests from Members of Parliament were assumed to be included with requests from the public in 1993/94.

Respondents were asked to comment on alternative means of access. The response rate to this question was low making interpretation difficult. Respondents indicated that opportunities exist to make information more readily available to the public which could reduce the need for Access requests. They also indicated that some applicants made significant use of Access requests to obtain information already provided by the Courts through the normal conduct of legal proceedings.

3. Furthering Our Understanding of Privacy Requests

Overall costs for the Privacy Program appears to be stable which is consistent with the overall assessment by respondents. An analysis of costs indicates that handling costs have dropped by 16%. Shifts in the costs have been detected – search costs have risen 19%, while review costs have dropped 25%. The costs of resolving complaints have risen 30%. Indirect costs to support ATIP Units have risen significantly (42%) over the last five years, offsetting the reduction in handling costs.

Analysis of Direct Time Spent Responding to Privacy Requests

Respondents indicated that the average time to respond to a Privacy request had dropped by 9%. At the same time, the time to resolve complaints had risen by 40%. As a result, an overall reduction in direct time of 6% had been observed (see Table 3 below).

The reasons for shifts in search and review time are not apparent from the survey responses or comments by the Focus Group, with the exception of complaints. Respondents indicated an increasing awareness of their rights under the Privacy Act in this regard as contributing to the rise in frequency and cost of complaints.

Table 3:	**1998-99**		**1993-94**		***% Change***
	Hours	**%**	**Hours**	**%**	
Average Handling Time					
Search	1.10	12	0.87	9	26
Preparation	1.04	12	0.98	11	6
Review	4.12	47	5.17	55	(20)
Administration & Other	1.73	20	1.77	19	(2)
Total Average Handling Time	**7.99**	91	**8.79**	94	**(9)**
Complaints	0.77	9	0.55	6	40
Total Average Direct Time	**8.76**	100	**9.34**	100	**(6)**

Analysis of Requests and Sources

Requests come from clients, the public in general, their agents/lawyers acting on their behalf and employees. The vast majority of applicants make only one request (93%). Less than 4% of applicants make 7 or more requests. Associated costs with meeting the needs of this latter group are about 9%. In about 60% of the time, information requested under the Privacy Act is accessible and/or limited review is required. This contrasts with information requests made under Access to Information where only 28% of information requested is readily available and/or a limited review is required.

Similar to Access to Information, the response rate to the question on alternative means of access was low making interpretation difficult. Respondents did indicate that opportunities appear to exist to make information more readily available to the public which could reduce the need for Access requests. They also indicated that some applicants made significant use of Privacy requests to obtain information already provided by the Courts through the normal conduct of legal proceedings.

4. Suggestions from the ATIP Community

We solicited the views of ATIP Coordinators on opportunities that would improve the government's performance in the administration of these programs. Appendix B summarizes the responses received for each open-ended question posed in our survey. For each question we have provided a high-level summary of the comments received. Observations pertain to both Access to Information and Privacy unless otherwise indicated.

How can the approval process be streamlined to reduce costs?

Respondents indicated that the greatest opportunities for streamlining the approval process involves increased delegation of authority to Coordinators and a clear understanding of roles and responsibilities in the handling of requests. This includes clarifying the role of the Minister's Office, Legal Services and Public Affairs. The Treasury Board Secretariat could help develop a standard template for ministerial approvals. Other suggestions included:

- Offering informal processes to access information routinely requested.
- Communicating directly with the OPI to clarify requirements and determine whether information can be released informally.
- Expediting routine and straightforward requests.
- Training of staff at the initial stage of the process to ensure understanding of the requirements under the Act and how to apply exemptions.
- Educating senior management on the requirements of the Act and the role of ATIP Coordinators.

The most frequent response from respondents was that no additional streamlining was possible for their organization. Several indicated that they had recently reexamined and redesigned their approach for processing requests.

How can information management practices be improved to reduce costs?

Many respondents identified records management as an area for improvement. Suggestions included:

- Providing concurrent or complementary training within the organization on good records management practices and the requirements of the Acts;
- Making information more readily available to the public via the Internet and the organization's library and reading rooms; and,
- Improvements in and better use of technology and use of electronic documents and electronic management systems, including classification of documents, as they are created.

How is your department using advanced technologies to facilitate access?

Examples provided on how technology was being used to facilitate access included the provision of services via the Internet, the introduction of electronic document management systems and greater use of electronic mail. Several respondents referred to the linkage of ATIP systems and operational databases to facilitate the workflow. Use of and recent upgrades to ATIP tracking system software was seen as having a positive impact on facilitating access.

What improvements should be made to the policies and regulations to reduce costs?

The majority of respondents made suggestions to increase, amend or eliminate fees. These comments relate to the Access to Information Act. Suggestions included:

- Creating special fees for professional applicants;
- Introducing provisions or the authority to deter or reject duplicate, repeated, voluminous, frivolous and vexatious requests and frivolous complaints;
- Eliminating the application fee given the cost to collect the fee;
- Increasing fees for search and preparation time; and,
- Improving and updating the policy pertaining to the Management of Government Information Holdings and encouraging greater compliance with it.

The last two suggestions were seen to have a complementary and direct benefit on the administrative costs to support access provisions of the Acts.

Do you have other comments?

Under this question, concerns were raised regarding the appropriateness of the cost recovery provisions of the Access to Information Act for crown agencies which have a statutory obligation to be financially self-sufficient. Specifically, information requested, while consistent with the legislation, could undermine the organization's ability to achieve its financial objectives consistent with the commercial nature of the enterprise. The Act was seen as making it difficult for an organization to protect commercially sensitive and competitive information.

A number of suggestions were made under the topic of tools and resources. It was suggested that the TBS could provide an inventory of well-trained employees for assignment on short notice. This would be helpful in dealing with the often short-term peaks in demand. TBS could also sponsor a forum where ATIP Coordinators could meet and discuss ideas, experiences, and important issues. More Treasury Board Secretariat sponsored training; education/awareness programs and assistance; and the provision of resources with hands-on experience in the interpretation of the Act were also suggested.

5. Challenges to Maintain the Quality of Access to Information Program Services

The challenges to departments and agencies within the ATIP community relate to the balancing of competing priorities and securing the resources needed to support timely responses.

Balancing Competing Priorities

The overview of Dr. Alasdair Roberts, Queen's University, 1998 study on "Assessing Canada's FOI (Freedom of Information) Laws", raises the issue of competing priorities, by stating:

> "The study will recognize that the FOI objectives often conflict with other important policy goals, such as the protection of personal privacy, and the maintenance of policymaking capacity and law enforcement capacity within governments."

John Reid, the Information Commissioner of Canada, in his remarks to ATIP Coordinators on November 17, 1998, also acknowledges the challenge faced by a program manager in balancing the achievement of operational priorities with the public's right to know. To quote:

> "Perhaps the most disheartening, disappointing aspect of your job is that, being in the trenches (to extend this war metaphor), you cannot easily see what a vitally important role you play keeping our democracy healthy. You are surrounded, all too often, by grumbling about the burden of access. At Health Canada, how often have you heard managers say - "I have no time to search for and review records, my job is to keep babies from dying". And at National Defence, senior officials quite likely tell you why this peace keeping mission or that search and rescue operation takes precedence over processing access requests. You do not hear, perhaps, what I hear from Members of Parliament, Senators and members of the general public – they cherish this right to know which only a handful of other countries have.

It is broadly recognized within the Public Service that it takes time, energy and care to respond to access requests. It is also recognized that it is difficult to anticipate the nature, extent, timing and number of access requests that could be made by applicants. These factors can make it challenging to cope with a request, especially when dealing with an emergency situation, such as a humanitarian aid or peacekeeping mission, as occurred in Kosovo, or in the recall of contaminated food products. When this occurs, an ATI request can pose a real dilemma for the OPI, as the effort and timeframe required to respond to a request may conflict directly with the effort and urgency of response to the emergency or operational imperative at hand.

Securing the Resources Needed to Support Timely Response

Considerable discussion of the focus group related to practical problems of resourcing what is in essence an "ad hoc" information and research service. The resourcing issue confronts both the ATIP community, as a whole, and OPIs.

For the ATIP Community there are two dimensions – budgeting and staffing. While the overall growth, based on completed requests, is about 7%, the growth in requests is not spread evenly across government departments and agencies and the rate of growth for a given department and agency can be difficult to predict. For example, three major departments stated that their rates of growth for the last year were respectively, 15%, 45% and 100%. Even if an ATIP Unit was able to predict demand, it is difficult to obtain the resources needed to support delivery of the program when faced with such growth in demand. Requests for additional resources must compete with resource requirements of a department's or agency's programs, operations and other corporate services. Under certain circumstances, special consideration or access to supplementary funding should be provided in order to ensure that ATIP Units have sufficient resources to facilitate the timely response to requests.

Even when operating budgets for ATIP Units are adequate, several ATIP Coordinators indicated that there are not enough skilled ATIP Officers available to keep up with the growing demand. Problems have been experienced recruiting and retaining staff needed by ATIP Units. ATIP Coordinators stated that the private sector was not well positioned to help as there are few knowledgeable consultants available. Suggestions presented above included the creation of a talent pool within the Treasury Board Secretariat that could be assigned to departments to respond to short-term peaks in requests and help fill vacancies as they arise.

From an OPI or operational program manager's perspective, where large volumes of access requests are routinely received, the opportunity exists to identify and justify resource requirements as part of the budgeting process, and/or introduce new information services, or provide access on an informal basis. For other organizations, requests tend to be issue driven and sporadic making it difficult to anticipate and obtain the resources required. Limited experience and infrequent requests make it difficult to estimate what is required to respond to a request; secure the resources needed to do the work; or, put in place the processes that would enable the organization to respond to the request efficiently.

This is particularly true if the request is broad and/or inherently complex, such as a request for "all records/documents (by whatever name) concerning [a certain subject area] from 1997 to 1999 inclusive." There may be limited opportunity to delegate work even if resources were available as knowledgeable officers need to review the documentation to ensure the accuracy, completeness and the appropriateness of the information to be disclosed. When this occurs, a program manager could be faced with the dilemma of having to satisfy both the operational imperatives at hand and the public's right to know in a timely

fashion. Within the context of a lean public service and a 46% increase in completed requests over the last five years, the pressures faced by OPIs have increased significantly.

It is within this context that the ATIP Units and OPIs are seeking greater flexibility, when responding to requests.

6. The Utility of the Current Fee Schedule

In 1998-99, the Crown collected $290,000 in fees or about $20 per request. This includes the $5 application fee for an access request and $15 for the recovery of eligible search and preparation time. This represents a recovery rate of about 8% of the associated costs and 1.4% of our estimate of total handling costs.[2]

The cost recovery regime is complex and cost factors used are out-dated, as described in detail in the CAC Report entitled, "Review of the Costs Associated with the Administration of the Access to Information and Privacy Legislation – October, 1995." The cost recovery regime applies different rules to the various activities associated with responding to a request. Search and preparation time is eligible for recovery but only after 5 hours. However, time spent in the direct administration of a request and review time is not recoverable.

Fee estimates determined by the department or agency are subject to appeal by the applicant, at no cost, by way of a complaint to the Information Commissioner. As there are no costs or other consequences to an applicant who complains, it is to the applicant's advantage to complain. The determination of fees is not precise. The classification of activities is subject to interpretation. The ability to estimate what will be required and how long it will take to respond to a request, especially for a complex or broad one, is difficult to do with precision. These conditions make the current approach to charging fees adversarial and frustrating.

While not directly assessed by our study, estimating and finalizing the fee to be paid likely costs the Crown more in non-recoverable administrative time and in the resolution of complaints, than it recovers (in 1998-99, the total amount recovered was $290,000). Given a recovery rate of 8% and taking into account the time spent to administer the fee, the current fee schedule is inefficient and uneconomical.

Our 1995 study made a number of suggestions to update the fee schedule and improve cost recovery. At that time, we raised the question regarding the cost recovery objectives as it relates to the intention of the Act and how fees impact access. The Australian Law Reform Commission (ALRC), in its 1995 review of Australia's federal legislation, had similar observations as they relate to the efficiency and performance of the Australian cost recovery regime. These views are consistent with the views expressed by ATIP Coordinators, as part of the current study and as expressed in our 1995 study. The ALRC's comments are presented below.

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[2] See Appendix C, "An Estimate of Overall Costs", page C-4, *Analysis of Eligible Costs and Recoveries* for additional details.

"The costs regime should not be inconsistent with the objects of the Act. It is counterproductive for the Act to encourage involvement in government but effectively disqualify citizens from participating by imposing prohibitive charges. The cost to agencies of administering the Act must be viewed in the context of the legislation's role in furthering democratic accountability.

- Any examination of the issue [of cost] should go beyond short-term expediency and include consideration of the crucial long-term issues concerning the nature of a true liberal democracy.

- Too much emphasis has been placed upon economic factors (such as cost recovery) at the expense of admittedly unquantifiable social (and political) benefits derived from the right of access to documents conferred by the FOI Act.

When assessing the cost of providing information under the Act, it is important to remember the benefits that flow from the openness fostered by the Act, many of which are intangible and unquantifiable.

- $20 million is a bargain for such an essential tool of public accountability. The law pays for itself in more professional, ethical and careful behaviour on the part of public officials who must now conduct public business in the open.

A strict application of the user-pays principle would almost certainly guarantee that the Act would fail in its objectives. Yet it can be argued that totally free access may place an unreasonable financial and administrative burden on agencies. In the Review's view, applicants should make some contribution to the cost of providing government-held information but that contribution should not be so high that it deters people from seeking information. The fees and charges regime should reflect the fact that the FOI Act is primarily about improving government accountability and the public's participation in decision-making processes, not about generating revenue or ensuring cost recovery.

The FOI charging regime was originally intended to be a means of seeking a contribution from users of the Act to the cost of administering it. A move towards a more user-pays approach occurred in 1986 with the introduction of an application fee and a separate charge for decision making time. This has not, however, led to anything close to full cost recovery. For example in 1994-95 the cost of providing information under FOI was estimated by agencies to be $10,383,956. Only 3.7% of this amount was recovered by way of fees and charges.

The current FOI fees and charges regime is the subject of considerable criticism by both applicants and agencies. Applicants complain that costs are high and are not related to whether they receive any information. They pay even if all the documents they request are withheld on the basis that they are exempt. Fees and charges can, therefore, be a considerable deterrent.

- Fees and charges are imposed as a crude rationing device to inhibit demand, and hence to reduce the level of publicly funded resources, which must be devoted to administration of the FOI Act.

It appears that some agencies abuse the estimate system, making exaggerated estimates to deter applicants from proceeding with requests. In addition, some agencies give the waiver provisions an overly technical interpretation. Some agencies consider the current regime to be so complicated, time consuming and expensive to administer that they do not bother imposing charges for providing access to documents under the FOI Act."

7. Alternative Approaches

In discussion with the focus group on alternatives, it was acknowledged that the fee schedule needed to be revised. The reason was not out of concern for cost recovery, although concerns for the subsidy granted by the Act to professional applicants were expressed. The fees generated are insignificant and flow to the Consolidated Revenue Fund. Fees are seen as administratively difficult to charge and collect, but at the same time are believed to be an effective means to regulate demand. We reviewed legislation for other jurisdictions and related studies to identify alternative approaches and means to achieve the two objectives of cost recovery and regulation of demand while still recognizing the importance of preserving the right of access.

Both the Roberts study and the ALRC's review recommended changes to the approach for the charging of fees. Roberts recommended the adoption of the US model, which applies differential fee schedules depending on who the applicant is. Roberts observed that information requests by applicants from the general public dropped off significantly when Ontario increased its fees in 1996. In contrast, requests from businesses did not seem to be affected. Justification for a differential fee schedule could be argued that if the applicant's motive is the pursuit of profit or personal gain, rather than being motivated by public interest per se, then higher fees should be charged.

On the question of differential fee schedules the ALRC argued that it would be complex to administer and would confuse applicants. It would be difficult to determine which categories of request should be singled out for higher charges and, in many cases, to determine the applicant's motive. Use of differential fee schedules overlooks the benefit to society. Consider the relationship between the beekeeper and the fruit farmer. As a fruit farmer, you wouldn't deny your neighbour's bees access to your trees in his commercial pursuit of profit in the making of honey. The professional applicant could be considered in a similar light, as it relates to the dissemination of information. The professional applicant's actions, while contributing to her or his livelihood, further the achievement of openness and accountability of public institutions. In a knowledge-based society the free flow of information can be a competitive advantage.

The ALRC proposed that, instead of the current input activity based approach to fees, outputs should be used to determine fees. If no documents were released, no fee would apply. For example, the number of pages released was suggested as a basis to determine fees owed. This approach would be administratively easier to apply and defend. The Freedom of Information Commissioner would play a role in setting the fee schedule, liaising with the Chief Government Information Officer when determining the scale of charges. The scale should be set on the basis of a realistic assessment of the average number of hours a competent administrator in an agency with efficient record management systems would spend on search and retrieval. The scale could be effected either by way of regulations or a legislative instrument so as to be subject to parliamentary scrutiny. A standard fee scale would provide greater certainty and protect applicants against agencies with inefficient information management systems. In setting the fee scale, the Freedom of Information Commissioner should have regard to various

factors such as what information technology and record management systems an agency could reasonably be expected to be using. It was suggested that the scale should be reviewed annually.

The United Kingdom's draft legislation for Freedom of Information, introduced in the House of Commons on November 18, 1999, included a provision that limits fees to 10% of the reasonable marginal costs. It also contained a provision which would exempt "public authorities from the obligation to disclose the information requested if the cost of doing so exceeds a threshold prescribed by the Secretary of State. It allows the Secretary of State to prescribe different amounts for different authorities. It enables the Secretary of State to make regulations to allow authorities to aggregate the costs of requests for information where two or more requests are made by one person, or by two or more persons acting together." Public authorities would also not be "obliged to comply with vexatious requests and an authority does not have to comply with repeated or substantially similar requests from the same person other than at reasonable intervals."

The Australian *Freedom of Information Act* allows the rejection of repeated requests for information that the applicant has been advised is for sale or for information to which access has previously been refused. Commenting on the merits of provisions allowing an agency to reject a "vexatious" request, the ALRC stated that "[i]n the twelve years of operation of the Act, few requests could properly be classified as vexatious." It observed that while there was a high level of support for such a provision, "vexatiousness" was a vague concept. The concern was expressed that such provisions could be open to abuse by agencies and would likely result in unpredictable implementation.

8. Summary Suggestions

The Access to Information and Privacy Programs are responsive programs provided by the government to its citizens. Governments cannot as readily expand their services on the same basis as a commercial enterprise when faced with increasing demand. The federal *Access to Information Act* does not impose limits on requests nor offer government departments and agencies the means to combine requests or to reject requests to the extent that exists for or is contemplated by other jurisdictions. The current fee schedule is modest in comparison with other jurisdictions and appears to be plagued by similar difficulties in its administration.

What is proposed are a number of suggestions borrowing from the approaches adopted by others. The suggestions relate to both measures that would simplify the administration of fees and would enable departments and agencies to better balance competing priorities. We are also suggesting that direct discussions occur with representatives of the various client groups to obtain their views and feedback on proposals for change. This section concludes with a general comment on fees for personal information.

- **Retain the Application Fee** – Application fees are easy to administer and are not subject to complaint. Recognizing that the current charging regime is inefficient and the pursuit of cost recovery could undermine access, application fees should be retained but increased, taking into consideration the considerable cost incurred but rarely recovered in responding to a request.

  The Australian ALRC suggested that the base fee should be set at a level that reflects a reasonable contribution by the client for the service provided but not so high as to deter people from using the Act. In Australia, the application fee is $30 which the ALRC did not consider as being an unreasonable deterrent. The ALRC suggested that, if no documents are released, then no fee should be applied. This position does not recognize the value-added derived from the knowledge there are no records available or the records requested are being withheld. Further, the act of refunding a fee would result in an additional administrative cost to the Crown. Accordingly, the fee should not be refundable.

- **Link the Application Fee to a Defined Level of Service** – The United Kingdom draft legislation contained a proposal that 10% of reasonable marginal costs would be a ceiling on costs to be recovered. We have estimated that in 1998/99 the Crown recovered about 8% of the costs associated with search and preparation time. This rose to 11% when the application fee is included. By linking the application fee to a recovery rate for reasonable marginal costs, the government would be able to avoid discussion on the nature of an activity and its classification and when and what costs should be waived. For example, based on our analysis of the costs associated with an average request and a 10% recovery rate, the application fee would be $30[3]. This represents about 10 hours of search and preparation time or $300 in reasonable

[3] The ATI Act currently limits the application fee to a maximum of $25.

marginal costs. It takes into consideration the incremental costs of direct administration in processing an application.

- **Simplify the Basis for Estimating Fees above the Basic Level of Service Purchased by the Application Fee** – Fee estimates are difficult to do with precision and to predict. Large fee estimates are often subject to complaint.

  A fee scale could be adopted, similar in approach to that suggested by the ALRC, which set fees and recovered costs based on the number of pages resulting from the search. This approach has merit in that the number of pages is readily subject to measurement. However, the number of pages more closely relates to review time which is generally treated as an ineligible cost. This approach is problematic as a basis to estimate a fee as it is often difficult to predict the number of pages likely to result from a search. As an alternative to the number of pages disclosed, hours of search time could be used.

  By using a scale with ranges instead of a rate factor, such as $10 per hour, applicants are provided with greater certainty regarding fees. Accordingly, this approach avoids disputes related to the precision and composition of fee estimates. Such an approach would also serve to simplify the investigation of complaints. For example, if the search is estimated to be 5 hours or more **and** total eligible costs are estimated to be greater than $300, the fee would be set by a fee schedule. Working again with our analysis of costs, the following scale could be considered:

  5 to 10 hours - $75
  11 to 20 hours - $150
  21 to 30 hours - $225
  Etc.

  To demonstrate the use of the scale, consider the following example. If the estimated search time was 15 hours, the required fee would be $150. The initial application fee of $30 could be applied as a credit and the applicant would be required to pay an additional $120 before the request would be completed.

  As general guidance, the ALRC suggested that a fee schedule should be set based on a realistic assessment of the average number of hours a competent administrator in an agency with efficient record management systems would spend on search and retrieval. The scale should be effected either by way of regulations or a legislative instrument so as to be subject to parliamentary scrutiny. In setting the fee scale, consideration should be made for various factors such as what information technology and record management systems an agency could reasonably be expected to be using, direct administration time needed to clarify the request and facilitate a response, and the overall percentage of costs clients should be expected to cover. As a means to protect applicants against agencies with inefficient information management systems, discounted fee schedules could be applied if a department's or agency's records management practices and systems were assessed as being

inefficient or outdated. This assessment could be made by the National Archivist in response to concerns raised by the Office of the Information Commissioner.

- **Update the Fee Schedule annually** – Annual update avoids dramatic price increases. If search time was selected as the basis for the fee schedule, its update could be indexed or linked to the average annual increase in salary costs.

- **Introduce Cost Thresholds over which a department or agency would not be obligated to respond to a request** – While public servants are expected and required to respond to a variety of demands, provisions should exist to allow an organization not to respond to requests with significant resource implications. The intent here is not to preclude a request but rather to encourage greater precision in the request and to help applicants to appreciate the impact their requests can have on operations.

  For example, consider a cost threshold of $30,000. Based on our cost analysis, this represents about 900 hours of effort. The direct impact on the OPI is estimated to be about 300 hours or 8 weeks of work. Above this threshold, applicants would be asked to narrow their requests by being more specific on the records or information required and/or on the scope of or the timeframe for the records search. Consistent with the fee schedule referred to above, estimated search time could be used to determine when the cost threshold had been exceeded. A threshold of $30,000 represents 100 hours of search time.

- **Introduce Other Measures** – Changes could be made to the Act that would enable departments and agencies to better balance competing priorities and reduce duplication of effort that can occur. These include harmonization of the right of access provided by both the Access to Information and Privacy Acts with other Acts that also define and provide parallel means of access, introduction of provisions to better address voluminous and repeated requests and introduction of measures to aggregate requests.

Fees for Personal Information

The Privacy Act currently does not have fees. The introduction of fees is not suggested as it is in the Government's interests to ensure that the records it keeps are accurate and current. The ALRC on the subject of fees stated:

In most cases an individual has no choice as to whether or how the government collects information about him or her, or how that information is stored. Access enables the applicant to protect his or her privacy and contributes to the accuracy of government records thereby enhancing accountability. For these reasons, access to an applicant's personal information should be free. The majority of submissions, particularly those from individuals and community groups, support this proposal: some because they consider that fees and charges are inconsistent with the underlying philosophy of FOI; others because it is already common practice in some agencies not to charge for access to personal information. In contrast, a number of agencies favour the imposition of a nominal fee to deter frivolous applications.

Appendix A – Survey Questions Posed to the ATIP Community

Structure of the Survey

The survey was composed of four parts:

Part I Suggestions to Reduce Cost while Respecting the Spirit of the Acts
Part II Estimate of 1998-99 Costs
Part III Furthering Our Understanding of ATI Requests
Part IV Furthering Our Understanding of Privacy Requests

Part I - Suggestions to Reduce Costs while Respecting the Spirit of the Acts

A series of opening ended questions were asked. Specifically:

- How can the approval process be streamlined to reduce costs?
- How can information management practices be improved to reduce costs?
- How is your department using advanced technologies to facilitate access?
- What type of improvements should be made to the policies and regulations to reduce costs?
- Do you have other comments?

PART II – Estimate of 1998-99 Costs

Costs of Operating the ATIP Unit

- What were the total costs incurred in 1998-99 by your department to support the operation of the ATIP unit? Respondents were asked to classify costs incurred and to allocate costs between ATI and Privacy.
- How many Full-Time-Equivalents (FTEs) were utilized by the ATIP Unit to support the administration of ATIP legislation for fiscal year 1998-99? Respondents were asked to allocate FTEs between ATI and Privacy.
- Respondents were asked to assign a *percentage* of the O&M costs (salaries & other) to the following activities:
  - Processing costs of ATIP requests
  - Handling of Complaints
  - General Management and Administration

- Training and Orientation of Staff outside of Unit
- Orientation of and liaison with records management (MGIH) personnel
- Preparation of annual reports
- Other costs incurred.

Estimates of Costs Incurred by the Office of Primary Interest (OPI) (i.e. the office that holds the information requested)

- Respondents were asked to estimate the time spent on behalf of their organization to respond to an average request in hours of effort. Estimates were requested of the time spent by the OPI, the ATIP Unit and others. Separate estimates were requested for both ATI and Privacy requests.

Nature of the Activities of the ATIP Unit and the OPI

- Respondents were asked to assign a *percentage* of time spent, by the ATIP Unit and by the OPI, for the following activities:

  - Searching for the information
  - Preparing the information
  - Reviewing the information for exemptions & exclusions
  - Administration
  - Other

  Separate estimates were requested for both ATI and Privacy requests.

Information Systems

- Respondents were asked about the systems and practices used to record and track ATIP requests and associated costs.

Part III - Furthering Our Understanding of ATI Requests and **Part IV - Furthering Our Understanding of Privacy Requests**

Similar questions were asked for each program to help appreciate current trends, the source of requests and complaints, the related reasons, cost implications, the frequency of requests by requester, complexity of requests and the existence of or potential for alternative means of access.

Specifically, respondents were asked to:

1. Comment on and identify any analysis or studies their units had conducted on the nature of requests received.

2. Describe and explain the reasons for the current trends over the last three years, as it relates to the complexity of requests, number of requests, cost to complete and response times.

3. Identify the sources of requests and to provide information of the reasons for requests by source. Sources were suggested for ATI requests and included the media, academia, business, Members of Parliament, the public and others. No suggestions were made for Privacy requests.

4. Categorize requesters by the frequency of requests made.

5. Identify the source of complaints and the reasons why they occurred.

6. Assess the percentage of all costs associated with the processing of requests and the handling of complaints for each source.

7. Categorize the relative complexity of requests in comparison to a series of statements, as follows:

   - Information requested is readily accessible; little to no review is required.
   - Information requested requires time/effort/consultation with others to retrieve or prepare; little review is equired.
   - Information requested requires time/effort/consultation with others to retrieve or prepare and detailed review is required. Consultation with Legal Services is not required.
   - Information requested requires time/effort/consultation with others to retrieve or prepare and detailed review is required. Consultation with Legal Services is required.

8. Identify the extent to which alternative means of access exist or could be established, based on the following scenarios:

   - Information requested is already made available to the public.
   - Information requested is not readily available to the public, but an opportunity exists to do so.
   - Alternative access is provided by another Act of Legislation. Respondents were asked to name the Act(s) of Legislation, if applicable.
   - Alternative access is provided by the Courts through the normal conduct of legal proceedings.
   - Alternative access is provided by other means. Please specify.

   - *For ATI requests,* a motion for the production of papers relating to a question raised by a Member of Parliament has also been received.

Appendix B – Survey Responses by the ATIP Community

Introduction

This appendix summarizes the responses as received from the ATIP Community for Parts I, III and IV of the survey. Response rates are provided to enable the reader to see the frequency of response and gauge the interest for particular questions.

Responses to Part II of the survey were analyzed to develop cost estimates for the Access to Information and Privacy Programs. The results of that analysis can be found in Appendix C.

Survey Response Rates

Survey Response Rate		
	Organizations	**Response Rate**
Total population (organizations receiving the survey)	135	--
Total responses for Part 2 of the survey	65	49%
Total responses for Part 1, Part 3 and Part 4 of the survey	81	60%

Results for Part 1 and 3 of Survey		
Access	**Organizations**	**Total Requests Completed in 1998-99**
Respondents listed in TBS database as at March 31, 1999	58	12,004
Respondents not listed in TBS database	23	N/A
Total Responses	81	12,004
Organizations in the TBS database with data	86	14,340
Organizations in the TBS database without data	17	N/A
Organizations listed in TBS database	103	14,340
Percentage of Survey Coverage (12,004 / 14,340)		**84%**

Results for Part 1 and 4 of Survey		
Privacy	**Organizations**	**Total Requests Completed in 1998-99**
Respondents listed in TBS database as at March 31, 1999	61	34,618
Respondents not listed in TBS database	20	N/A
Total Responses	81	34,618
Organizations in the TBS database with data	57	36,313
Organizations in the TBS database without data	52	N/A
Organizations listed in TBS database	109	36,313
Percentage of Survey Coverage (34,618 / 36,313)		**96%**

Part I – Summary of Comments by ATIP Coordinators relative to the Open-ended Questions on How to Reduce Costs while Respecting the Spirit of the Acts

Question 1: How can the approval process be streamlined to reduce costs?

Response rate of total organizations who responded: 52%
Response rate of total population: 32%

Response & Frequency [4]

Greater Delegation of Authority / Changes in Roles & Responsibilities	15
➢ Delegate all or majority of powers/duties to the Departmental ATIP Coordinator (5)	
➢ Communications or legal must be kept entirely separate	
➢ Usually only 2 people in approval process, rarely requires the Chairman's approval	
➢ Routine decisions handled by ATIP officer, while new types of requests or those with potential for impact are lifted to higher levels	
➢ delegation downwards for some sections of the Act	
➢ clarify who has authority under which section (2)	
➢ ATIP Coordinators should have authority to process and authorize release of information and prepare communication materials	
➢ Too many levels in the process	
➢ Small agency - Approval process resides with ATIP Coordinator in consultation with departmental manager. Specific portions of Act delegated to President/CEO for final sign-off prior to disclosure	
➢ Need to educate senior management to be more aware of ATIP requirements and to appreciate the role of ATIP Coordinators. Treasury Board can visit departments to support this process by visiting departments and highlighting the challenges faced by Coordinators to senior management.	
No Additional Streamlining Possible	16
➢ Streamlining would affect timeliness rather than cost	
➢ Costs are not very high (3)	
➢ Not an issue with small institutions (5)	
➢ Already streamlined (6)	
➢ No delays for small organizations	

[4] The number in the right hand column indicates the number of respondents that had comments grouped under the opposite heading. Numbers in brackets indicate the number of respondents who made essentially the same comment or suggestion.

Process Improvements ➢ Increase ATIP exemption authority or reduce number of exemptions requiring review/approval. ➢ Reduce number of release packages identified as requiring media lines and review by Minister's Office ➢ Train staff at the initial process stage and ensure that exemptions are consistent and reflect policies and practices. Ensure all documentation is released together especially for sensitive requests to avoid re-requests. ➢ Periodically review ATI approval process, with senior management, to refine and implement any new procedures with a view to simplify the process ➢ Reviewed and streamlined procedures by removing steps and trying for concurrence with other processes such as those involved in the production of memos.	5
Informal Process ➢ More informal requests should be encouraged ➢ Requester should communicate directly with OPI for clarification and determine if information can be released informally	2
Tools ➢ Use of electronic system for all records would give quick/easy access to ATIP Coordinator except for protected/confidential/sensitive records that are mainly handled without further consultation. ➢ Establish more strict regulations that permit some departments to reject abusive demands.	2

Question 2: How can information management practices be improved to reduce costs?

Response rate of total organizations who responded: 50%
Response rate of total population: 30%

Response & Frequency [1]	
Better Records Management ➢ Establish centralized filing systems and assign appropriate resources for maintenance ➢ Too much time spent - Need system where creator can file info easily - Documents lack proper identifiers to permit quick retrieval ➢ All documents appropriately filed ➢ Modernize file processing functions (scanning, imaging, electronic releases, electronic cost recovery) ➢ Record keeping rules for entire organization ➢ Central registry filing system allows for quick retrieval of records. Work on keeping correspondence and other docs from bypassing central system as time is wasted tracking	11

[1] The number in the right hand column indicates the number of respondents that had comments grouped under the opposite heading. Numbers in brackets indicate the number of respondents who made essentially the same comment or suggestion.

➢ Improve information search process - Records spread among too many people - Too many transitory records kept ➢ ongoing refining of system ➢ Make better use of central registry and transitory records. Regular reviews of the Disposition Authorities and actual removal of disposable records would assist in bringing the focus of the central registry on corporate memory records ➢ Simplify record keeping - Improve information management - Avoid duplicate records, record classification, well regulated archiving/filing system, good record retention/ destruction practices ➢ vigorous communication of dept info mgmt policies and procedures	
<u>Accessibility of Information</u> ➢ Maximum information for the public via the Internet (2) ➢ More information should be available in library ➢ Informal access for prompt response to client ➢ Information deemed 'public' should be accessible on-line or through departmental libraries ➢ public examination room and provide material for public viewing to reduce the requests	5
<u>Training Improvements</u> ➢ Ensure staff has knowledge of MGIH, classification system, retention/disposal schedules, and departmental operations ➢ Training and auditing of information management system ➢ Well-trained conscientious staff ➢ Knowledge of info mgmt practices to improve process and reduce cost ➢ Provide training on records management practices and new ATIP tracking system ➢ Info mgmt systems require experienced, well-trained people to assist with ATIP search and retrieval activities. People solutions, not just technical solutions ➢ Better awareness of information management objectives and policies and senior management support would improve practices and reduce costs ➢ Educate departmental officials - i.e. difference between transitory and corporate records; proper retention and disposal periods; standardize electronic filing; on technology and software capabilities	13
<u>Process Improvements</u> ➢ Ensure the chain of information mgmt structure is sound and raise awareness of the importance of record keeping procedures and process ➢ Keep staff informed ➢ special effort on backlog ➢ monitoring record flow ➢ develop and adopt form info management system ➢ uniform filing system and records retention schedule which is handled by the informatics section ➢ Program managers to identify records as protection to allow more information through informal channels	10

➢ Internal policy paper developed examining records and information management, procedures, guidelines and practices	
Technology Improvements/Usages ➢ Fast implementation of any information management system ➢ Improve the CAIR system ➢ New record system ➢ Electronic records to speed delivery, reduce reproduction and distribution costs, avoid backlogs and complaints ➢ Use technology and ensure process and procedures are implemented at its introduction ➢ Use electronic document management and registry system ➢ More ATIP involvement in developing information systems ➢ TB support for improved/standard electronic file management systems and web-based training packages for ATIP ➢ Electronic management system – can capture more e-records and reduce costs associated with paper system, also it can increase time available for info searching ➢ Implemented electronic information management system FOREMOST to reduce time and cost ➢ E-mail notification of TB/Justice updates to ATI/privacy (e.g. Bulletins, court case summaries)	11
Other ➢ Costs and requests are so low they have no need to review their management practices ➢ Organize a focus group to probe information management practices ➢ Focused on designing forms, literature, and collections to avoid costly processing. No longer wait for expert review feedback before disclosing informal application results – a form of preemptive disclosure. ➢ Requests are minimal to nil ➢ Costs are minimal. Record processing is minimal and not extensive	5

Question 3: How is your department using advanced technologies to facilitate access? Response rate of total organizations who responded: 58% Response rate of total population: 35%	
Response & Frequency [1]	
Provision of Services via Internet ➢ Used Website to eliminate some formal requests ➢ Post information/notices/decisions on the Website (10) ➢ Use Access to Information application on internet to facilitate service ➢ Electronic payments for applications ➢ Increasing use of website for policy manuals and operational memoranda	15

[1] The number in the right hand column indicates the number of respondents that had comments grouped under the opposite heading. Numbers in brackets indicate the number of respondents who made essentially the same comment or suggestion.

➢ Justice website facilitates access to information on departmental activities	
<u>IT used to Facilitate the Process</u> ➢ Databases for searches ➢ Conducting pilot electronic file management ➢ Electronic document management system (EDMS) and databases to locate information ➢ generate reports/information from database ➢ Filing of reports electronically ➢ Computer system to archive correspondence/records in database for future access ➢ Reduce reporting requirements ➢ Implement electronic tracking system with imaging and outgoing correspondence. ➢ electronic management system to facilitate retention and access (2) ➢ Introduce electronic document management system to allow documents to be accessed in one repository ➢ Corporate services use DOCS to retrieve and save documents. Piloting records keeping system and EDMS to manage paper and electronic docs. Provide single window of access using 'Departmental Knowledge' initiative.	12
<u>Types of Systems and Usages</u> ➢ Collect information on National Library of Canada's Access-AMICUS database providing access to all departments ➢ Phoenix information system at CIDA and ATIPflow ➢ EDM system to manage records ensuring facilitation of records and attachments ➢ Use ATIP system to capture/manipulate data better ➢ Use ATIPflow ➢ Case tracking system ➢ Upgrade ATIP tracking system software ➢ ATIPflow to process information requests and reduce gathering time ➢ Accept access requests by e-mail and fax.	9
<u>Minimal Usage of Advanced Technologies</u> ➢ very little use (4) ➢ No funds to purchase necessary ATIPflow software ➢ Not using electronic information system for fear of missing documents which should be part of a request - Need to work on policies and procedures	7
<u>Usage of Electronic Mail</u> ➢ communication/circulate policies, bulletins, etc. (4) ➢ backups made daily ➢ accept requests, correspond, sometimes disclose records (2) ➢ E-mail communications and file transfers. Accessibility to case file systems to eliminate need to seek assistance of OPIs to print and respond to inquiries. Blanking photocopiers to prepare releases	8

Other ➢ Many initiatives are limited by security concerns, compatibility of software or technical limits as to size of information that can be circulated ➢ Response on diskette where possible (2) ➢ All documents are produced electronically ➢ Pilot project to scan documents into electronic format. System would assist in research/retrieval for access requests - Electronic correspondence tracking system – has its limitations. ➢ Uses various custom and off-the-shelf information management systems to facilitate processing, storage and retrieval ➢ No technology improvements for records management needed ➢ Revise legislation to discourage frivolous requests and make commercial users pay their way ➢ Using word-processing technology	10

Question 4: What type of improvements should be made to the policies and regulations to reduce costs? Response rate of total organizations who responded: 45% Response rate of total population: 27%	
Response & Frequency [1]	
Revise Fees ➢ Increase application fee (5) ➢ Introduce processing fee to eliminate frivolous and vexatious requests ➢ Charge photocopy fees (2) ➢ Professional requesters should pay full fees (2) ➢ Modify fee structure for broad scope requests will force requests to be narrowed ➢ Fees for complaints ➢ Fee structure balance required: cost recovery versus free information ➢ Recover some cost from frequent requesters for reviewing for exemptions ➢ Partial cost recovery in place plus fees for reproduction, search, preparation, and programming ➢ Simplify fee schedule ➢ Charge for actual costs incurred ➢ Update cost recovery fee schedule (3) ➢ Eliminate fees ➢ Cost recovery to include OPI review time of records - i.e. exemption/exclusion and recommendations ➢ costs increase because of the necessity to quickly search and review both manual and electronic sources of records ➢ No more application fee – it costs more to process the receipt of $5 than the $5 fee	29

[1] The number in the right hand column indicates the number of respondents that had comments grouped under the opposite heading. Numbers in brackets indicate the number of respondents who made essentially the same comment or suggestion.

itself. ➢ Increase cost recovery for search/preparation, programming and photocopying. ➢ Departments should not process other departments' records in order to reduce postage costs and delays ➢ Fees are not enough to cover actual costs and overhead for requests - increase search fees and recover reproduction costs ➢ Charge fees to deter repeat requests by people for same information and eliminate frivolous complaints	
<u>Tools</u> ➢ MGIH Policy and depositing information in the library ➢ Improve record keeping management ➢ Update and improve Information Management policies and compliance could decrease search time and complaints ➢ Update TBS-ATIP policy manuals ➢ Provision of reference tools from TBS, Justice, and Federal Court ➢ Develop policy/guidelines to manage technology use and information processing ➢ Revise MGIH to reflect electronic information ➢ Make information available in the Internet	8
<u>Training</u> ➢ More Treasury Board training and people with hands-on experience to give interpretation of the Act ➢ Understanding of ATIP legislation ➢ Educate and inform employees on ongoing issues/concerns. Internal training and TBS assisted training to save time, effort and costs.	3
<u>Time Limit</u> ➢ More flexible time limits ➢ Extension of time limits	2
<u>Other</u> ➢ Users to make own photocopies or scan documents ➢ Omnibus requests require extraordinary search times – should be discouraged/ disallowed ➢ Removal of information disclosure protection under the Act, as it pertains to PMPRB, could increase the number of requests on the PMPRB ➢ Consistency in policy applications - i.e. charges, extensions, and managing requests ➢ Release information on informal basis to reduce administrative costs ➢ Post listing of departmental records previously released	6

Question 5: Do you have other comments? Response rate of total organizations who responded: 27% Response rate of total population: 16%	
Response & Frequency [1]	
Cost Considerations ➢ Strengthen existing mechanisms for information dissemination that are cost effective ➢ We have a statutory obligation to be financially self-sufficient therefore we should be able to recoup full cost ➢ We run a business to make a profit - The Act makes it difficult - Should have the right to protect commercially sensitive and competitive information ➢ Review ATIP request cost structure ➢ Increase cost recovery ➢ Fee waives for requests and information are readily available	7
Tools and Resources ➢ Improve records management to reduce costs and increase informal releases ➢ TBS should have inventory of well-trained employees on short notice for assignment. ➢ Standard template for approval process for Minister ➢ Need a combination of resources, use of technology, increased openness, legislative reform ➢ Increase use of internet, public affairs staff, and other information sharing processes to effect timely, proactive disclosures of requests being made ➢ Go paperless whenever possible - Ensure staff have proper tools – current policy education, process and technology ➢ Provide a forum, in addition to the ATIP Information Sessions, where ATIP Coordinators can meet and discuss ideas, experiences, and important issues	8
Training ➢ Education in rights of access under ATIA, ownership/care of records, improved information/record management - Mandatory retraining on principles of accountability and transparency ➢ ATIP coordinators should provide training and establish policies and procedures ➢ Better training and awareness to reduce costs ➢ TBS-Justice training on ATIP	4

[1] The number in the right hand column indicates the number of respondents that had comments grouped under the opposite heading. Numbers in brackets indicate the number of respondents who made essentially the same comment or suggestion.

Other ➢ Receive few requests and/or associated costs are minimal (5) ➢ Not subject to ATI Act and no ATIP staff. ➢ Most potential requesters are seeking feedback on their grant/scholarship applications. ATIP officer makes informal disclosure to these clients. We encourage applicants to view the records to alleviate unnecessary photocopying	8

Introduction to Parts III and IV

For both Part 3 and Part 4 of the survey, some results are presented in two formats:

1. Percentage of total responses for each question.
2. Percentage of total responses for each question using a weighted scale that takes into consideration the number of requests completed by the department during 1998-99. These figures give higher weights to those departments with more completed requests and no weights to those departments without completed requests for 1998-99. The following table demonstrates how the weights are determined.

	A	B	
Organization	Multiplication Factor for Unweighted Responses	Total Completed Requests	Multiplication Factor for Weighted Responses ((B/100)*4)
Department 1	1.00	20	0.80
Department 2	1.00	10	0.40
Department 3	1.00	40	1.60
Department 4	1.00	30	1.20
Total	4.00	100	4.00

Part III - Furthering Our Understanding of ATI Requests

	Percentage of Response		
1. Does your unit perform analysis/studies on the nature of requests received?	**Yes**	**No**	**N/A or N/R**
	11.11%	61.73%	27.16%

2. How would you describe the current trends over the last three years? Is it increasing, stable or decreasing?

	Percentage of Trend			
Attribute	**Increasing**	**Stable**	**Decreasing**	**N/A or N/R**
Complexity of Requests	30.86%	27.16%	1.23%	40.74%
Number of Complaints	16.05%	25.93%	12.35%	45.67%
The cost to complete a request	20.99%	30.86%	1.23%	46.91%
Response times	16.05%	35.80%	6.17%	41.98%

3. Request source:

Source	Simple Average			Weighted Average	
	% of all ATI requests	Average number of requesters		% of all ATI requests	Average number of requesters
Media	19.99%	14.5		12.08%	23.9
Academia	5.94%	2.6		2.52%	2.8
Business	26.76%	19.9		34.92%	50.6
Members of Parliament	9.99%	25.7		9.52%	48.3
Public	30.94%	66.5		35.91%	546.2
Other	6.38%	18.1		5.04%	50.5
Total of Averages	100.00%	147.3		100.00%	722.4
Average Response Rate	66%	N/A		57%	N/A

4. For all requesters in 1998-99, what percentage made:

	Simple Average		Weighted Average
1 request	77.89%		64.95%
2 requests	6.01%		11.53%
3 to 6 requests	9.08%		12.17%
7 requests or more	7.02%		11.36%
Total Average	100.00%		100.00%
Average Response Rate	57%		50%

5. Who made complaints?

	Simple Average		Weighted Average
Media	18.20%		11.63%
Academia	1.10%		0.89%
Business	19.42%		38.36%
Members of Parliament	8.20%		9.05%
Public	41.70%		31.78%
Other	11.38%		8.29%
Total Average	100.00%		100.00%
Average Response Rate	37%		34%

6. What is the percentage of all costs associated with the processing of requests and the handling of complaints for each source?

	Simple Average		Weighted Average
Media	26.77%		7.39%
Academia	1.71%		0.52%
Business	26.60%		43.11%
Members of Parliament	6.90%		8.37%
Public	33.95%		36.20%
Other	4.07%		4.40%
Total Average	100.00%		100.00%
Average Response Rate	30%		25%

7. This question is provided to gauge the relative complexity of requests. Out of a 100%, please specify the percentage of requests that fit the following statements. (Note: use of the terms prepare and review are as defined by the legislation):

Statement	Simple Average		Weighted Average
Information requested is readily accessible; little to no review required.	21.60%		6.24%
Information requested requires time/effort/consultation with others to retrieve or prepare; little review required.	20.66%		22.18%
Information requested requires time/effort/consultation with others to retrieve or prepare and detailed review required. Consultation with Legal Services is not required.	32.75%		58.26%
Information requested requires time/effort/consultation with others to retrieve or prepare and detailed review required. Consultation with Legal Services is required.	24.99%		13.32%
Total Average	100.00%		100.00%
Average Response Rate	65%		55.5%

8. This question is provided to identify requests for which alternative means of access exist or could be established. Please specify the percentage of requests that fit the following statements. (Note: percentages assigned are not expected to add up to 100):

	Simple Average			Weighted Average	
Statement	**Response**	**Response Rate**		**Response**	**Response Rate**
Information requested is already made available to the public.	19.30%	37.04%		4.95%	33.33%
Information requested is not readily available to the public, but an opportunity exists to do so.	26.88%	34.57%		17.54%	33.33%
Alternative access is provided by another Act of Legislation.	9.57%	8.64%		4.98%	7.41%
Alternative access is provided by the Courts through the normal conduct of legal proceedings.	9.93%	14.81%		18.32%	13.58%
A motion for the production of papers relating to a question raised by a Member of Parliament has also been received.	3.69%	17.28%		1.04%	17.28%
Alternative access is provided by other means.	16.60%	12.34%		15.74%	11.11%

Part IV - Furthering Our Understanding of PRIVACY Requests

	Percentage of Response		
1. Does your unit perform analysis/studies on the nature of requests received?	**Yes**	**No**	**N/A or N/R**
	6.17%	59.26%	34.57%

2. How would you describe the current trends over the last three years? Is it increasing, stable or decreasing?

	Percentage of Trend			
	Increasing	**Stable**	**Decreasing**	**N/A or N/R**
Complexity of Requests	7.41%	38.27%	2.47%	51.85%
Number of Complaints	7.41%	27.16%	4.94%	60.49%
The cost to complete a request	3.70%	35.80%	2.47%	58.02%
Response times	7.41%	34.57%	2.47%	55.56%

3. Source of Requests.

	Average % of all requests	**Total Average number of requesters**
Academia	0.31%	0
Business	0.93%	120
Client	0.31%	14
Consultant	0.62%	679
Department	0.93%	57
Employee	4.01%	155
Individual	1.23%	23
Investigative	0.62%	688
Lawyer	0.93%	5108
Media	0.62%	201
Member	0.31%	0
Miscellaneous	1.85%	9860
Public	5.25%	6763
Research	0.31%	1
No response	81.79%	N/A
Total	100.00%	23669

4. A) For all requesters in 1998-99, what was the percentage of requesters making: 1, 2, 3 to 6, and 7 or more requests?

Average number of requests per requester	Simple Average		Weighted Average
➢ 1	92.85%		92.54%
➢ 2	4.04%		2.56%
➢ 3 to 6	2.31%		1.29%
➢ 7 or more	0.80%		3.60%
Total Average	100.00%		100.00%
Average Response Rate	33%		26%

B) For all requesters in 1998-99, what was the percentage of all costs associated with the processing of requests and handling of complaints for each average number of requests per requester?

Average number of requests per requester	Simple Average
➢ 1	90.33%
➢ 2	0.61%
➢ 3 to 6	0.17%
➢ 7 or more	8.89%
Total Average	100.00%
Average Response Rate	11%
**Note: The response rate is too low to produce meaningful 'Weighted Averages' of results.*	

5. Who made complaints?

	Average % of all complaints
Business	0.93%
Client	0.31%
Consultant	0.31%
Employee	0.93%
Individual	0.31%
Lawyer	0.93%
Media	0.62%
Miscellaneous	0.93%
Public	3.70%
No response	91.05%
Total	100%
**Note: The response rate is too low to produce meaningful 'Weighted Averages' of results.*	

6. What was the percentage of all costs associated with the processing of requests and the handling of complaints for each source?

	Average Percentage
Business	0.93%
Client	0.31%
Counsel	0.31%
Employees	1.23%
Individuals	0.93%
Lawyer	0.31%
Media	0.31%
Miscellaneous	0.62%
Public	2.47%
No response	92.59%
Total	100%
**Note: The response rate is too low to produce meaningful 'Weighted Averages' of results.*	

7. This question is provided to gauge the relative complexity of requests. Out of a 100%, please specify the percentage of requests that fit the following statements. (Note: use of the terms prepare and review are as defined by the legislation):

Statement	Simple Average		Weighted Average
Information requested is readily accessible little to no review required.	25.00%		39.05%
Information requested requires time/effort/consultation with others to retrieve or prepare; little review required.	22.87%		20.79%
Information requested requires time/effort/consultation with others to retrieve or prepare and detailed review required. Consultation with Legal Services is not required.	32.89%		34.44%
Information requested requires time/effort/consultation with others to retrieve or prepare and detailed review required. Consultation with Legal Services is required.	19.24%		5.71%
Total Average	100.00%		100.00%
Average Response Rate	40%		38.27%

8. This question is provided to identify requests for which alternative means of access exist or could be established. Please specify the percentage of requests that fit the following statements. (Note: percentages assigned are not expected to add up to 100):

	Simple Average	
Statement	**Response**	**Response Rate**
Information requested is already made available to the public.	24.11%	11.11%
Information requested is not readily available to the public, but an opportunity exists to do so.	34.00%	6.17%
Alternative access is provided by another Act of Legislation.	5.00%	1.23%
Alternative access is provided by the Courts through the normal conduct of legal proceedings.	54.00%	6.17%
Alternative access is provided by other means.	36.67%	3.70%

**Note: The response rate is too low to produce meaningful 'Weighted Averages' of results.*

Appendix C - An Estimate of Overall Costs

Introduction

Our cost estimate is based on surveys received as of November 10, 1999. At that time, we had received over 70 responses to our survey from the ATIP community and 13 from the Legal Service Unit community (see Appendix D for the *List of Respondents*). Of the ATIP Units that responded, 15 pertained to the 28 agencies which came under the Acts in 1999-2000. Our overall coverage for respondents, based on completed Access and Privacy requests for fiscal year 1998-99, is approximately 88% for completed Access requests and 99% for completed Privacy requests.

Assumptions Made in Developing Our Cost Projections

As shown in our earlier study, the nature of the information needed to project costs to the government for the administration of the two pieces of legislation is not readily available. While ATIP Units may ask for information on the time spent by the Office of Primary Interest (OPI), there are practical difficulties to ensuring that such costs are consistently captured and reported. For this reason, in both the current and earlier study, we have asked the ATIP community to provide estimates of the time spent by the OPI and for estimates on how that time is spent. Soliciting comments from the ATIP Units offers an objectivity and overall perspective that a broader survey of OPIs could not provide.

To avoid questions of consistency, cost factors applied in the 1993-94 study were used in our projection of labour costs as it relates to the time spent by the OPIs. The labour rate is based on an annual salary of $40,000 plus benefits, with the exception of the time spent by the OPI, when reviewing information gathered pursuant to a request. For OPI review time, we used a pay rate of $70,000. This rate was used to better reflect the cost of more senior officials who are typically involved in the review of materials. Facilities costs are estimated at $7,000 per employee and were applied only to full-time equivalents, as identified by the ATIP Units, and by other dedicated support groups that are typically found in the Department of Justice and the TBS.

Overall Costs

Based on the results of our survey, we have projected that the overall cost to the government to support the Access to Information Program for the fiscal year 1998-99 is about $24,945,000, exclusive of the $3,900,000 involved to support the Office of the Information Commissioner (OIC). Costs for the Access to Information Program appear to be rising at a rate of 7% per year. This is consistent with the annual increase of 8% in the number of completed requests. The overall increase of total costs since 1993-94 is about 41%. The number of completed requests increased by 46% over this same period. Costs associated with the OIC appear not to have kept up with the overall rate of increase, as experienced by departments and agencies. The costs for the OIC have risen only by 11% since 1993-94.

Based on the 14,340 requests completed in 1998-99:

- The average handling cost for a completed request is estimated at $1,130.
- The average total cost, exclusive of the OIC, is $1,740.
- The average total cost, inclusive of the OIC, is $2,010.

Estimated average handling costs declined by 8%, reflecting a significant drop in search time. Gains in search time are partly offset by increases in the handling of complaints. The estimated average costs, including indirect costs, declined by 3%. This primarily relates to increased costs incurred by the Privy Council Office. Overall estimated average costs, including the OIC's costs, declined by 7%, reflecting the OIC's significantly lower increase in costs, since 1993-94. With an average of $20 received per completed request, which includes fees and recoveries, revenues generated by this program continue to be low at about 1% of the direct program costs.

For the Privacy Program, projected costs are estimated to be about $15,035,000, exclusive of the $4,760,000 involved to support the Office of the Privacy Commissioner (OPC). Overall costs for Privacy requests appear stable as experienced by departments and agencies. When the costs of the OPC are taken into consideration, the overall costs to the government have risen by 4% since 1993-94. The costs of the OPC have risen at an annual rate of 5% or by about 30% since 1993-94. During the same period, completed requests declined by 6%.

Based on the 36,133 requests completed in 1998-99:

- The average handling cost for a completed request is estimated at $270.
- The average total cost, exclusive of the OPC, is $420.
- The average total cost, inclusive of the OPC, is $550.

Estimated average handling costs declined by 10%. Unlike Access to Information requests, search time appears to have risen when responding to Privacy requests. The declines reflect a significant drop in review time. After including indirect costs, estimated average costs have increased by 5%. This relates to significant increases by the ATIP Units in general management and facilities costs. Overall estimated average costs, including the OPC's costs, have increased by 12%, since 1993-94, reflecting the impact of the OPC's increasing costs.

The total cost for both programs inclusive of the Office of the Commissioners' costs is estimated at $48,640,000 ($39,980,000 exclusive of Commissioners' costs).

Costs Associated with Access to Information Program

Our analysis of our estimate of $24,945,000 spent by government departments and agencies annually shows the following breakdown of costs:

	1998-99		1993-94 [5]	*% Change*
Direct Costs				
Handling Costs				
Search	$1,625,000		$2,310,000	(29.7)
Preparation	2,380,000		1,560,000	52.6
Review	9,105,000		6,300,000	44.5
Administration and Other	3,060,000		1,870,000	63.6
Total Handling Costs		**$16,170,000**	**$12,040,000**	**34.3**
Complaints	$1,405,000		690,000	103.6
Direct Costs		**$17,575,000**	**$12,730,000**	**38.1**
Indirect Costs				
ATIP Unit Overhead Costs				
General Management	$2,225,000		$1,545,000	44.0
Training and Orientation	1,090,000		895,000	21.8
Other O&M	585,000		325,000	80.0
Facilities	1,925,000		1,300,000	48.1
Minor Capital	90,000		515,000	(82.5)
Total ATIP Unit Overhead Costs		**$5,915,000**	**$4,580,000**	**29.2**
TBS/Justice/PCO/Federal Court	$1,455,000		350,000	315.7
Total Indirect Costs		$7,370,000	$4,930,000	49.5
Total Costs		**$24,945,000**	**$17,660,000**	**41.3**

Average Costs per Completed Request	**1998-99 – 14,340 Completed Requests**		**1993-94 – 9,792 Completed Requests**	
	Total	**Average**	**Total**	**Average**
Total Handling Costs	$16,170,000	$1,130	$12,040,000	$1,230
Total Costs, excluding OIC	$24,945,000	$1,740	$17,660,000	$1,800
Total Costs, including OIC	$28,845,000	$2,010	$21,160,000	$2,160

[5] The projected costs for 1993-94 were adjusted to reflect the significantly lower unit costs as reported in 1998-99 for organizations with significantly fewer requests. For additional information, see *Comparative Analysis of 1993-94 and 1998-99 Surveys.* The costs for 1993-94 *Review activities* were also adjusted to reflect the higher labour rates as experienced by the OPIs.

Analysis of Eligible Costs & Recoveries

The following table indicates that the overall rate of cost recovery is about 1.4% of all handling costs directly associated with ATI requests. While overall recovery of eligible and recoverable costs is about 25%, these recoveries are based on the $10 per hour labour rate. If a rate of $30 per hour were used, which reflects a salary of $40,000, recoveries would be only about 8%.

Costs & Recoveries		**Eligible $**	**Ineligible $**	**Total $**
Search		545,000	1,080,000	1,625,000
Preparation		790,000	1,590,000	2,380,000
Review		-	9,105,000	9,105,000
Direct Administration & Other		-	3,060,000	3,060,000
Total Handling costs		1,335,000	14,835,000	16,170,000
Less Estimated Free Search Time - Note A		435,000		
Net Eligible & Recoverable Costs		900,000		
Fees – Note B		**Percentage Recovered**		
		Eligible & Recoverable Costs	Adjusted for Actual Cost of Labour	Total Handling Costs
Total Fees	$289,788	32.2	10.7	1.8
Net Fees	$222,878	24.8	8.3	1.4

Note A: While the Act allows up to five free hours of search and preparation time, the average estimated search time is 3.8 hours. Based on this information, we have projected that 80% of search time would not likely be recoverable.

Note B: Total fees include $66,910 in application fees that are not recoveries of costs incurred. These fees are deducted to determine the actual rate of recovery for costs incurred.

Under the current cost recovery regime, the maximum amount possible for recovery is about $900,000 or 5.6% of total handling costs (22.5% of the cost of search and preparation time).

If the hourly rate for search and preparation time was increased to $30, the maximum possible recovery would rise to $2,700,000 or 16.7% of total handling costs (67.4% of cost of search and preparation time). Based on current experience for actual recoveries, total fees, based on a $30 rate, would be about $750,000 or 4.6% of total handling costs (18.7% of the cost of search and preparation time). This assumes that such an increase would not affect demand or the rigour in which departments and agencies seek to recover allowable costs and the recovery rate.

Costs Associated with the Privacy Program

Our analysis of our estimate of $15,035,000 spent by government departments and agencies annually shows the following breakdown of costs:

	1998-99		93-94 [6]	*% Change*
Direct Costs				
Handling Costs				
Search	$1,190,000		$1,000,000	19.0
Preparation	1,130,000		1,130,000	0.0
Review	5,495,000		7,350,000	(25.2)
Administration and Other	1,880,000		2,050,000	(8.3)
Total Handling Costs		**$9,695,000**	**$11,530,000**	**(15.9)**
Complaints	$830,000		640,000	29.7
Total Direct Costs		**$10,525,000**	**$12,170,000**	**(13.5)**
Indirect Costs				
ATIP Unit Overhead Costs				
General Management	$1,380,000		$755,000	82.8
Training and Orientation	725,000		625,000	16.0
Other O&M	300,000		115,000	160.9
Facilities	1,500,000		1,060,000	41.5
Minor Capital	10,000		195,000	(94.9)
Total ATIP Unit Overhead Costs		**$3,915,000**	**$2,750,000**	**42.4**
TBS/Justice/PCO/Federal Court	$595,000		350,000	70.0
Total Indirect Costs		$4,510,000	$3,100,000	45.5
Total Costs		**$15,035,000**	**$15,270,000**	**(1.5)**
Average Costs per Completed Request	**1998-99 – 36,133 Completed Requests**		**1993-94 – 38,514 Completed Requests**	
	Total	**Average**	**Total**	**Average**
Total Handling Costs	$9,695,000	$270	$11,530,000	$300
Total Costs, excluding OPC	$15,035,000	$420	$15,270,000	$400
Total Costs, including OPC	$19,795,000	$550	$18,970,000	$490

[6] The costs for 1993-94 *Review activities* were adjusted to reflect the higher labour rates as experienced by the OPIs.

Comparative Analysis of 1993-94 and 1998-99 Studies

Access to Information Act Cost Projections

The overall projection for the Access to Information Act for 1993-94 was based on survey results obtained from ten departments. The requests completed by these organizations represented 59% of the total population. The cost for the remaining 41% was extrapolated under the assumption that the incremental cost for handling individual requests would be about the same for all government organizations. For 1998-99, all government departments and agencies were surveyed. The current cost analysis is based on information provided by 45 different organizations, representing 88% of completed requests.

When the results of the 1998-99 survey were compared with the 1993-94 results, as reported in the 1995 study, a 12% increase in the overall costs was observed. This increase did not appear to be reasonable given the 46% increase in the number of completed requests and 66% increase in total costs as reported by the ATIP Units for 1998-99. (See Appendices E and F for trend information over the last ten years.) Analysis of a control group of seven major departments with comparative information for the two surveys indicated that the handling costs for the control group is about twice the amount, as experienced by other organizations. Accordingly, the 1993-94 totals were restated consistent with the reported results for the 1998-99 survey to allow for a direct comparison between the two surveys.

Analysis of search time for the control group indicated a significant reduction in the time reported to obtain the information needed to respond to a request.

Privacy Cost Projections

The overall projection for the Privacy Act for 1993-94 was based on survey results obtained from six departments. The requests completed by these organizations represented 85% of the total population. The reporting organizations for the 1998-99 survey represent 99% of completed requests. Cost patterns appeared consistent with trends over the intervening period. For this reason, no additional analysis into the projected costs was made. (See Appendix G for trend information over the last ten years.)

Appendix D - Respondents

ATIP Respondents FY 1998-99

Agriculture and Agri-Food Canada
Atlantic Canada Opportunities Agency
Atlantic Pilotage Authority Canada
Atomic Energy Control Board
Bank of Canada
Canada Deposit Insurance Corporation
Canada Post Corporation
Canadian Centre for Management Development
Canadian Centre for Occupational Health and Safety
Canadian Heritage
Canadian Human Rights Commission
Canadian International Development Agency
Canadian International Trade Tribunal
Canadian Museum of Civilization
Canadian Security Intelligence Service
Canadian Space Agency
Canadian Transportation Agency
Citizenship and Immigration Canada
Copyright Board Canada
Correctional Service of Canada
Defence Construction Canada
Department of Finance Canada
Department of Justice Canada
Great Lakes Pilotage Authority Canada
Health Canada
Human Resources Development Canada
Immigration and Refugee Board
Indian and Northern Affairs Canada
Industry Canada
International Centre for Human Rights and Democratic Development
International Development Research Centre
Jacques Cartier and Champlain Bridges Incorporated
Law Commission of Canada
Medical Research Council of Canada
National Archives of Canada
National Defence
National Film Board of Canada
National Library of Canada
National Museum of Science and Technology
National Research Council Canada
Natural Resources Canada
Natural Sciences and Engineering Research Council of Canada

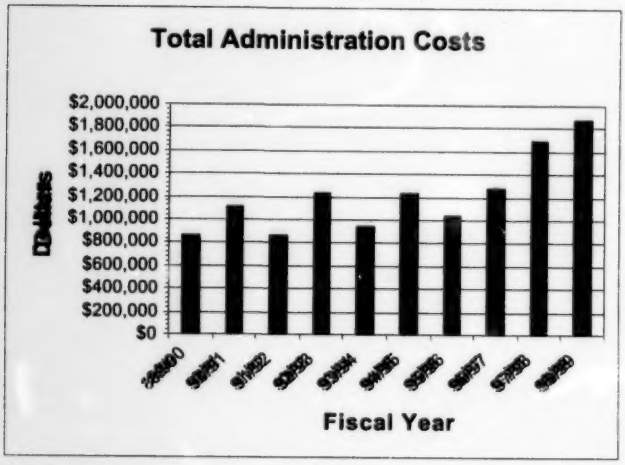
Northern Pipeline Agency Canada
Office of the Auditor General of Canada
Office of the Inspector General of the Canadian Security Intelligence Service
Patented Medicines Prices Review Board
Public Works and Government Services Canada
Royal Canadian Mounted Police
Royal Canadian Mounted Police External Review Committee
Seaway International Bridge Corporation Ltd
Social Sciences and Humanities Research Council of Canada
Solicitor General Canada
Statistics Canada
Transport Canada
Treasury Board of Canada Secretariat
Veterans Affairs Canada

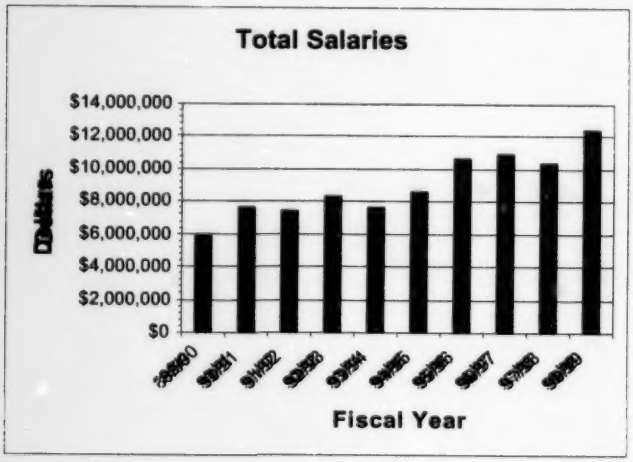
ATIP Respondents FY 1999-00

Canada Industrial Relations Board
Canadian Food Inspection Agency
Federal Bridge Corporation Limited
Fraser River Port Authority
Leadership Network
Montreal Port Authority
North Fraser Port Authority
Port Alberni Port Authority
Prince Rupert Port Authority
Saguenay Port Authority
Sahtu Land and Water Board
Sept-îles Port Authority
Toronto Port Authority
Vancouver Port Authority
Windsor Port Authority

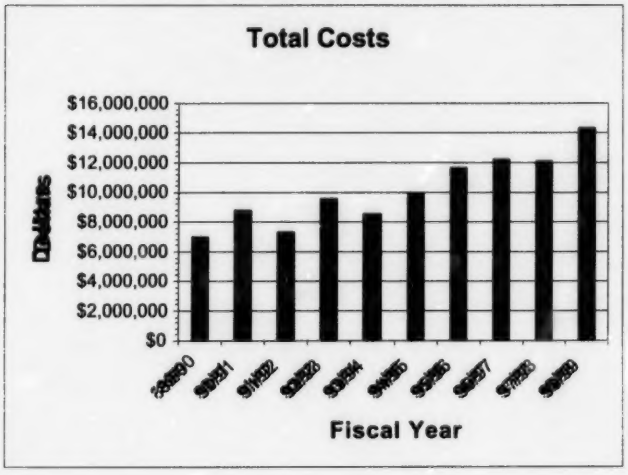
Appendix E - Access to Information Requests

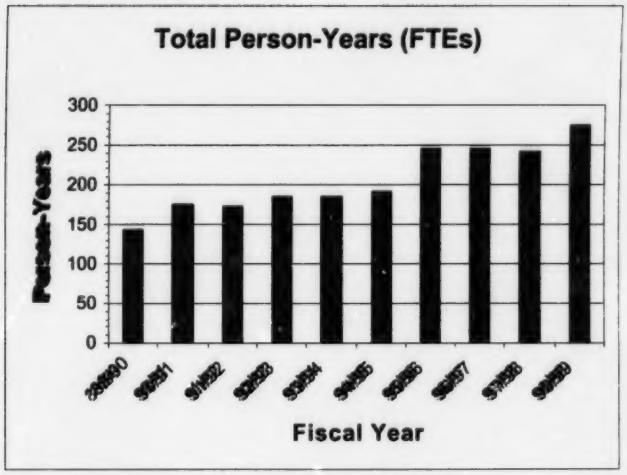
A Ten-Year Perspective of Costs, Fees, Person-Years and Requests



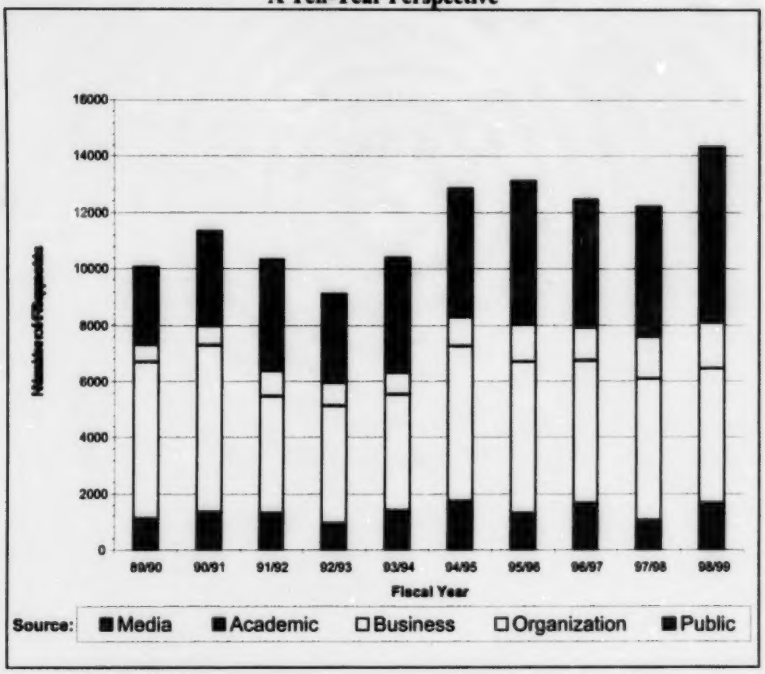


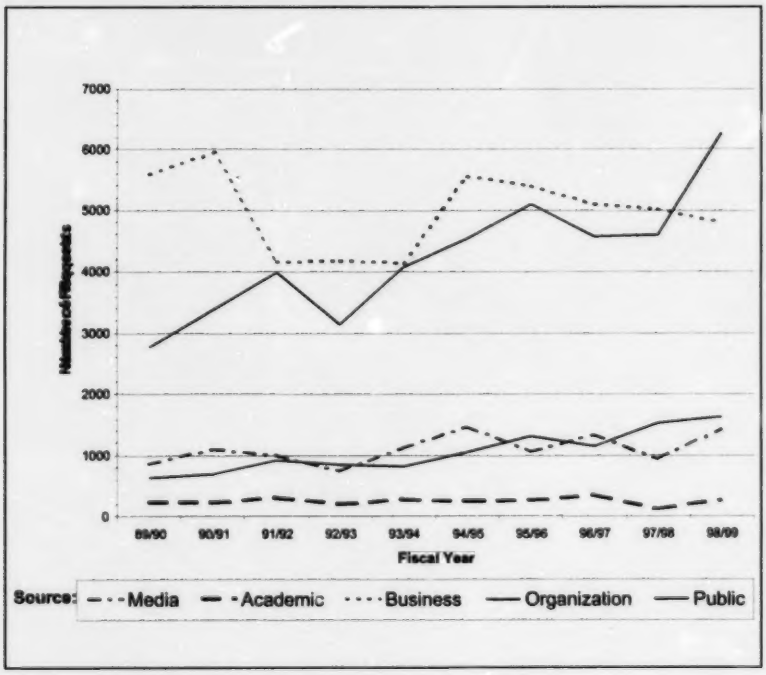
Total Fees
$350,000
$300,000
$250,000
$200,000
$150,000
$100,000
$50,000
$0
Dollars
Fiscal Year


Total Costs
$16,000,000
$14,000,000
$12,000,000
$10,000,000
$8,000,000
$6,000,000
$4,000,000
$2,000,000
$0
Dollars
Fiscal Year

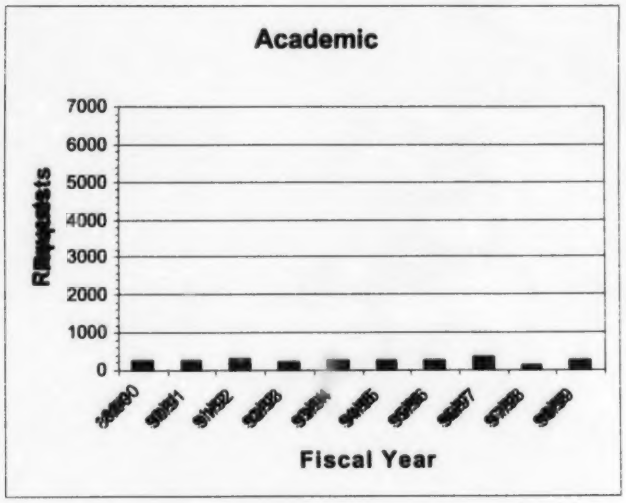

Total Person-Years (FTEs)
Person-Years
300
250
200
150
100
50
0
Fiscal Year

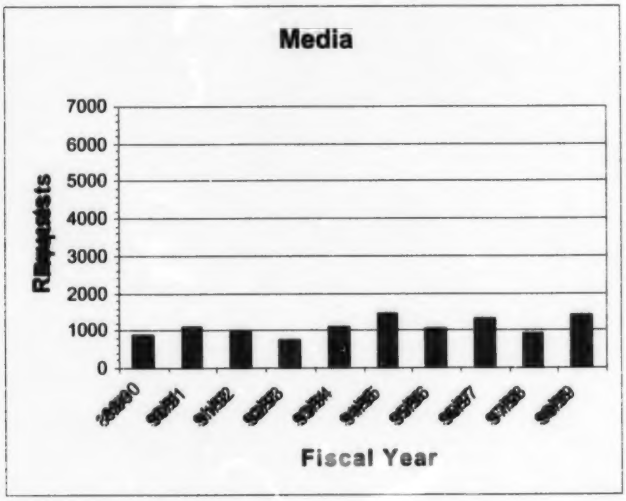
Appendix F - Access to Information Requests by Source
A Ten-Year Perspective

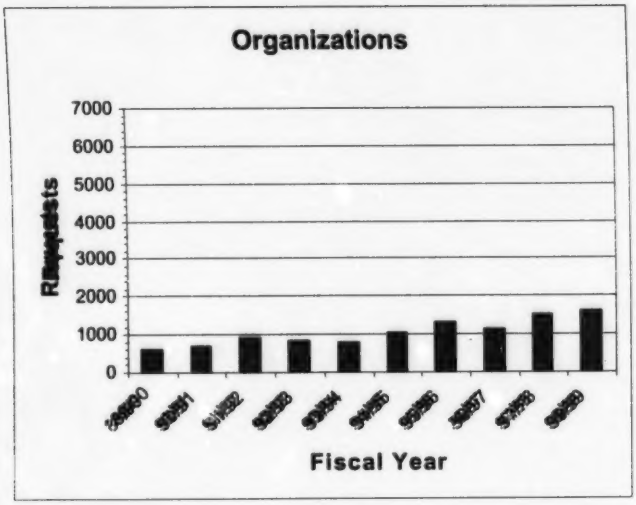


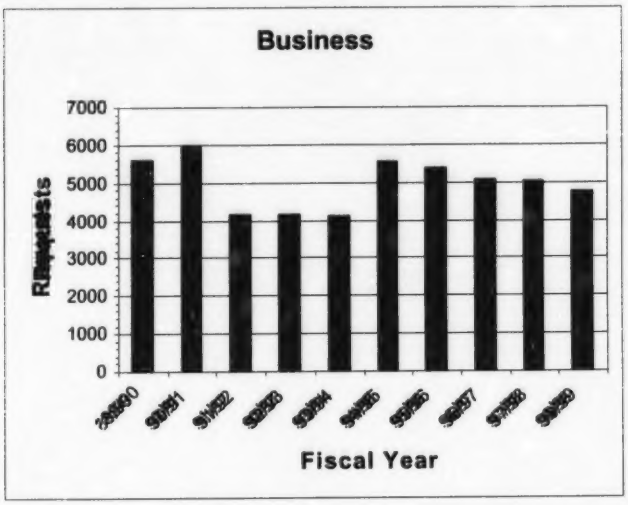


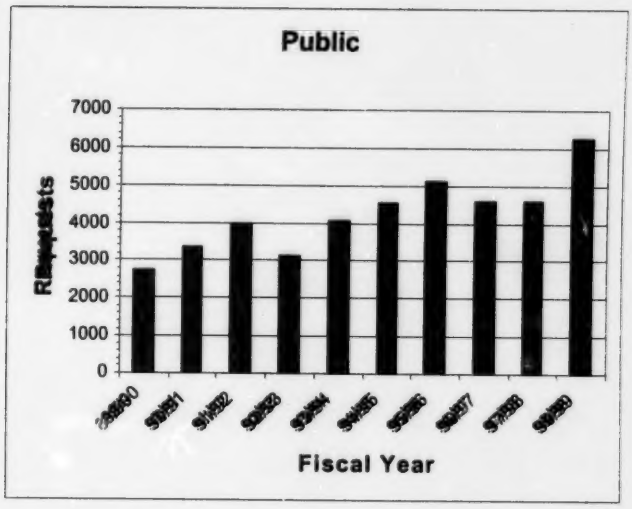
Appendix F - Access to Information Requests by Source
A Ten-Year Perspective
(Continued)



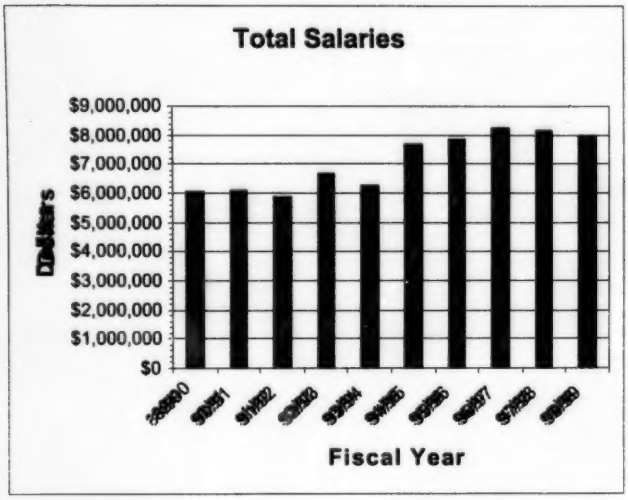


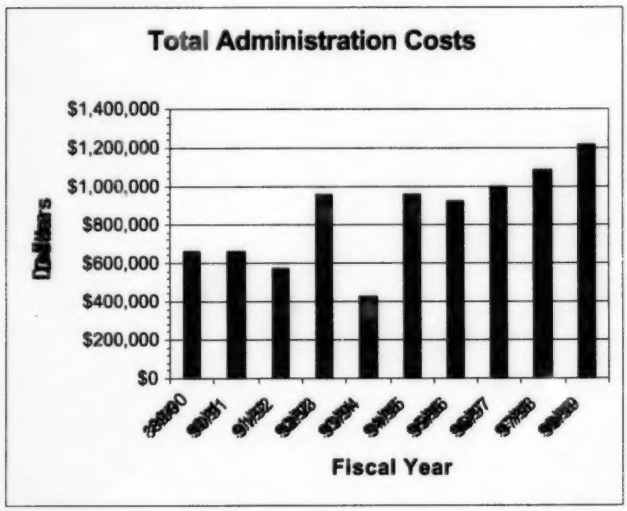

Organizations
7000
6000
5000
4000
3000
2000
1000
0
Fiscal Year

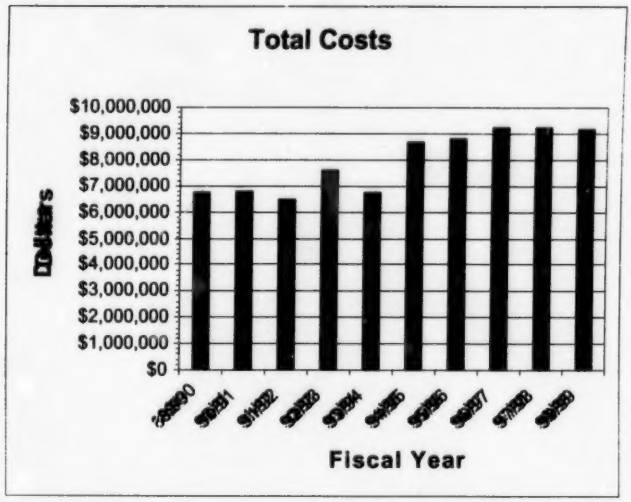

Business
7000
6000
5000
4000
3000
2000
1000
0
Fiscal Year

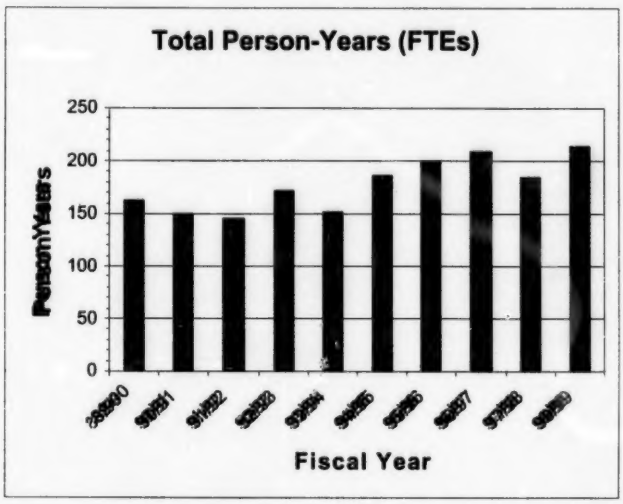

Public
7000
6000
5000
4000
3000
2000
1000
0
Fiscal Year

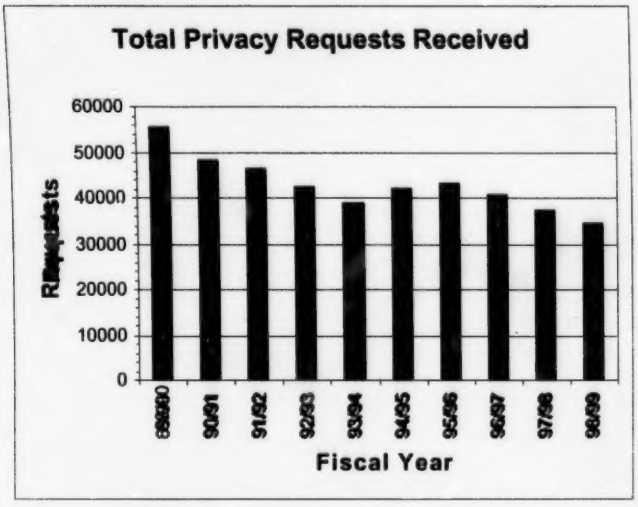
Appendix G. - Privacy Requests
A Ten-Year Perspective of Costs, Person-Years and Requests

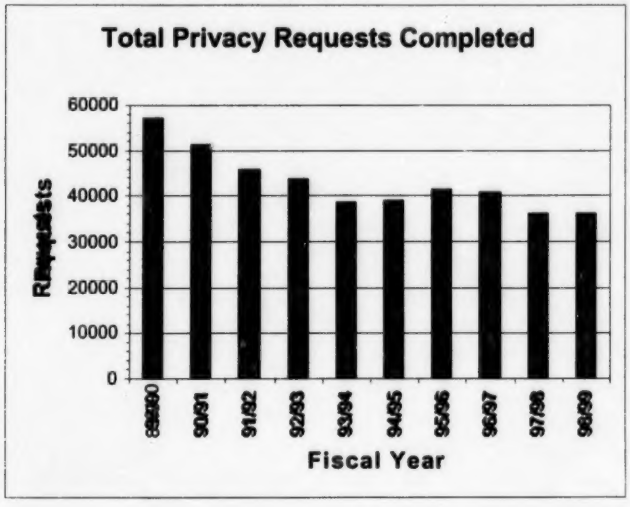





Total Costs
$10,000,000
$9,000,000
$8,000,000
$7,000,000
$6,000,000
$5,000,000
$4,000,000
$3,000,000
$2,000,000
$1,000,000
$0
Dollars
Fiscal Year


Total Person-Years (FTEs)
250
200
150
100
50
0
PersonYears
Fiscal Year


Total Privacy Requests Received
60000
50000
40000
30000
20000
10000
0
89/90
90/91
91/92
92/93
93/94
94/95
95/96
96/97
97/98
98/99
Fiscal Year


Total Privacy Requests Completed
60000
50000
40000
30000
20000
10000
0
89/90
90/91
91/92
92/93
93/94
94/95
95/96
96/97
97/98
98/99
Fiscal Year